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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HSU, ALPUS

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/040,553	PARRY, TRAVIS J.
	Examiner Alpus H. Hsu	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 September 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

1. Applicant's arguments, see Appeal Brief, filed September 11, 2006, with respect to claims 1-20 have been fully considered and are persuasive. The finality of previous office action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of KOWALSKI and PINARD et al..

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by KOWALSKI in Pub No. US 2003/0081583, hereinafter referred to as KOWALSKI.

Referring to claims 1-3, 5, 10-12 and 14, KOWALSKI discloses a method for establishing wireless communication between a computer (STA) and a local area network (LAN), comprising: receiving a signal (HC information) broadcast by at least one wireless port (AP) of the local area network; evaluating said signal to determine a connection protocol type of said at least one wireless port ; and initiating a connection protocol (TSPEC) based on said connection protocol type of said at least one wireless port (see paragraphs [0021] to [0022] and [0037] to [0038]).

Referring to claim 6, KOWALSKI discloses the use of security identifier for the LAN (see paragraphs [104] to [105]).

Referring to claims 7-9, KOWALSKI discloses the further steps of: receiving another signal from another wireless port of the local area network; evaluating said another signal to

determine a type of said another wireless port; initiating a connection protocol based on said type of said another wireless port; and attempting to establish a connection between the computer and Said another wireless port by way of said connection protocol when said attempting to establish said connection between the computer and said at least one wireless port is not completed (see paragraphs [0023] to [0024], [0041] to [0042]).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOWALSKI.

Referring to claims 15-20, KOWALSKI discloses a workstation (STA) configured to select a connection protocol for establishing wireless communication with a local area network, by causing said at least one wireless network access device to receive at least one signal being broadcast by a wireless port of the local area network and to communicate said at least one signal to said at least one processor in a format recognizable by said at least one processor; enabling said at least one processor to evaluate said at least one signal to identify a connection protocol type of said wireless port from which said at least one signal was broadcast; and instructing said at least one processor to select a connection protocol appropriate for establishing communication with said wireless port based on said connection protocol type thereof (see rejections regarding claims 1, 5-9 above).

KOWALSKI differs from the claims, in that, it fails to disclose a specific work station comprises at least one processor; at least one wireless network access device in communication with Said at least one processor; and at least one storage medium configured to communicate with said at least one processor, said at least one storage medium comprising instructions stored in data format for performing the above method steps, which are all well known components for carrying out method steps via data processor/computer device. Thus, it would have been obvious to one of ordinary skill in the art to implement the well known components of processor, wireless network access device, and storage medium to perform the claimed method steps since it is well known in the art to carry out any method via data processor/computer device using well known components of processor, wireless network access device, and storage medium.

6. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOWALSKI in view of PINARD et al. in U.S. Patent No. 5,815,811, hereinafter referred to as PINARD.

Referring to claims 4 and 13, KOWALSKI differs from the claims, in that, it fails to disclose the feature of selecting the signal based on at least one of a strength and a clarity, which is also well known in the art and commonly used in communications field for optimum signal selection. PINARD, for example, from the similar field of endeavor, teaches the selection of the signal based on at least one of a strength and a clarity (see col. 2, line 31 to col. 3, line 31), which can be easily adopted by one of ordinary skill in the art to implement in the method of KOWALSKI to optimize the signal selection to further improve the system performance.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young et al., Ikeda, Winchell et al., Solondz et al., Jacobs et al., Shteyn et al., and Pesola are additionally cited to show the feature of wireless local area network utilizing wireless access points/ports for wireless communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
Art Unit 2616